

SUBSTITUTE

An Ordinance Permitting The Sale of Alcohol at Golf Courses and Permitting Accessory Snack Bars at Golf Courses and Other Recreational Facilities

WHEREAS it has become common and expected for golf courses to offer their patrons the opportunity to purchase beer from snack bars or mobile carts; and

WHEREAS current state liquor laws allow the sale of beer from these facilities pursuant to the liquor permit issued to a restaurant on the site of a golf course; and

WHEREAS West Hartford's current zoning ordinances do not clearly permit this practice and it would be beneficial to do so

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF WEST HARTFORD THAT:

Section One: Section 177-36 of the West Hartford Code of Ordinances is hereby repealed and the following is substituted in lieu thereof:

- A. The portion of any structure in which the sale of alcoholic liquor is proposed under a package store permit or a package store beer permit shall be at least 1,500 feet distant from the portion of any other structure in which alcoholic liquor is sold under either of said permits. Said distance requirement shall be measured as follows: beginning at the center of the main entrance of the portion of the structure in which said sale is proposed, thence to the center of the address street by the shortest distance without intersecting a structure, thence along the center line of said street or streets to a point in the address street of the nearest portion of any other structure in which alcoholic liquor is sold under either of said permits, thence by the shortest distance without intersecting a structure to the center of the main entrance of the portion of the structure in which alcoholic liquor is sold under either of said permits. In no case shall the portion of any two structures in which alcoholic liquor is sold or proposed to be sold under a package store permit or a package store beer permit be located within a radius of 700 feet as measured from the centers of the main entrances of said portions of said structures.
- B. The sale of alcoholic liquor under any class of permit listed in Chapter 545 of the Connecticut General Statutes, as the same may be amended or recodified from time to time, with the exception of the university permit, shall not be permitted within 200 feet of a public or private school, a public park, place of worship, charitable institution, a hospital or library. Said distance requirement shall be measured as follows: beginning at the center of the main entrance to the portion of the building where said alcoholic liquor is proposed to be sold, thence to the center of the address street by the shortest distance without intersecting a structure, thence along the center line of said street or streets to the address street of any of the above cited uses, and thence to a point opposite the nearest portion of

a lot used for any of the above-cited uses on the address street thereof, thence to the nearest portion of the lot.

- C. The sale of alcoholic liquor under a wholesaler permit or a wholesaler permit for beer only is permitted as a main use in those districts specified under § 177-6B, Item 35 of the Schedule, and is subject to the restrictions set forth under Subsection B above.
- D. The sale of alcoholic liquor under a grocery store beer permit, a druggist permit or a druggist permit for beer only is permitted as part of a permitted main use under § 177-6B, Item 22 of the Schedule, and is subject to the restrictions set forth under Subsection B above.
- E. The sale of alcoholic liquor is permitted under a hotel permit, a hotel permit for beer, a restaurant permit, a restaurant permit for beer only or a restaurant permit for wine and beer only as part of a main use under § 177-6B, Items 8, 24 or 25 of the Schedule as applicable, or as part of an accessory use under § 177-6C and subject to the following:
 - (1) The location of such use is subject to the restrictions set forth under Subsection B above; and
 - (2) The sale or serving of alcoholic liquor is permitted only in a restaurant as defined in C.G.S. § 30-22, as that section may be amended or recodified from time to time. For purposes of this section, the premises of a restaurant located on a golf course shall include any location on said golf course where food and/or beverages are served.
- F. A university shall be allowed to engage in the retail sale of beer at one facility per campus under a university permit, as defined in C.G.S. § 30-20(a), as amended or recodified from time to time. The sale of beer under a university permit shall not be subject to the restriction set forth under Subsection B above. For the purposes of this section, the term "university" shall mean an institution offering a program of higher learning, as defined by C.G.S. § 10a-34, as that section may be amended or recodified from time to time, which has been accredited by the Board of Higher Education and which has a campus in West Hartford which is not less than 50 acres and which provides residential housing for its matriculated students.
- G. For purposes of this section, the terms "package store permit," "package store beer permit," "wholesaler permit," "wholesaler permit for beer only," "hotel permit," "hotel permit for beer," "grocery store permit," "druggist permit," "druggist permit for beer only," "restaurant permit," "restaurant permit for beer only," "restaurant permit for wine and beer only," "university permit" and "alcoholic liquor" shall be deemed to have the same meanings as those terms have under Chapter 545 of the Connecticut General Statutes, as that chapter may be amended or recodified from time to time.

Section Two: Section 177-37.2 of the west Hartford Code of Ordinances is hereby repealed and

the following is substituted in lieu thereof:

Outdoor dining areas that are accessory to restaurants can help to establish a vibrant, unique and friendly streetscape which benefit the entire surrounding area. Outdoor dining is an asset to the Town to the extent that it adds life and color to the streetscape and encourages pedestrian activity. Central to this benefit is the open-air nature of the dining areas, which must be both visible from, and physically proximate to, public pedestrian areas. That same proximity and visibility, however, dictates that the design of the outdoor dining area, including its furniture, should complement the design of the restaurant to which it is associated and contribute to the attractiveness of the streetscape. Diversity in the design of the furniture and outdoor dining areas is encouraged, therefore, provided that they complement the overall streetscape. Finally, while the operation of outdoor dining areas should contribute to the liveliness of the streetscape, they must not be allowed to create a nuisance, either by loud music, unruly customers, or disorderly premises. Where outdoor dining areas will further these goals without unduly impacting upon adjoining businesses or residential neighborhoods, they may be permitted as an accessory use on the premises of an existing restaurant, which premises shall be construed to include the street right-of-way adjacent to the property upon which such a restaurant is located, subject to the following requirements:

A. Space definition/location.

- (1) Outdoor dining areas shall be identified by a barrier, such as fencing or planters, in order to define their boundaries. Barriers that preserve the open appearance of outdoor dining areas should be used whenever possible. The use of permanent structural walls or any vertical screening device of more than four feet in height to define the boundaries of outdoor dining areas is discouraged but may be approved where necessary to attenuate noise reaching residential neighborhoods or in other unique circumstances. Notwithstanding the foregoing, when an outdoor dining area is located on property adjoining a residential district, it shall be subject to a minimum setback of 15 feet from that district and, at a minimum, to Type B screening and/or a screening fence which separates it from that district.
- (2) Where outdoor dining areas abut the public street, no permanent structure shall be erected between the building that houses the restaurant and the abutting street except a retractable awning located at least seven feet above the ground. In all other locations, permanent structures may be used to provide shade or shelter from inclement weather. In such cases, structures that preserve an open appearance should be used to the extent possible.
- (3) Fire hydrants and fire hose couplings and/or connections on buildings shall not be obstructed. Underground utility facilities such as cabinets or vaults shall be identified on all plans and arrangements shall be made to ensure continued access to utility providers for maintenance of any such facilities.
- (4) If alcoholic beverages are to be served at the outdoor dining area, the enclosure of

the outdoor dining area must also meet the requirements (if any) of any agency having jurisdiction over the service of such beverages.

- (5) When an outdoor dining area is located adjacent to a public pedestrian walkway, it shall be maintained flush with said walkway.

B. Operations.

- (1) Outdoor dining areas shall be capable of accommodating disabled patrons.
- (2) Pass-through or take-out windows are prohibited except that walk-up take-out windows may be permitted at seasonal snack bar-type restaurants which are provided as an accessory use within recreational facilities such as public parks, school sports stadiums or golf courses provided that such take-out windows shall be located and operated in a manner which ensures that they are an amenity to patrons of the facility and not a destination in their own right. Any door used to deliver food from the restaurant to an accessory outdoor dining area shall be self-closing, unless an alternative mechanism is approved by the Bloomfield-West Hartford Health District.
- (3) Any applicant seeking approval of an outdoor dining area shall provide the Plan and Zoning Commission with written assurance from the Bloomfield-West Hartford Health District that:
 - (a) The kitchen facilities in the restaurant are adequate to service the entire restaurant, including the outdoor dining area. Cooking shall not be permitted outside the restaurant.
 - (b) Any outdoor service areas, including storage areas for both clean and dirty plates and utensils, condiments, drinking water and similar supplies, are appropriately protected.
 - (c) Refuse receptacles appropriate to the use shall be provided for patrons and/or wait staff.
- (4) No heaters may be installed or used without the prior approval of the Plan and Zoning Commission. If an applicant seeking approval of an outdoor dining area proposes to provide any source of heat for the benefit of patrons, it shall so state in its application and shall provide the Plan and Zoning Commission with a plan, approved by the Fire Marshal, for the placement and operation of said heaters as well as for the storage of fuel used by said heaters.
- (5) Public address systems or other systems intended to convey verbal messages through the use of amplified sound shall be prohibited. If an applicant seeking approval of an outdoor dining area proposes to provide any form of music for the

benefit of patrons, it shall so state in its application and shall provide the Plan and Zoning Commission with specific details regarding the manner in which music to be provided. The Plan and Zoning Commission may impose any restrictions upon the playing of music which it deems to be appropriate given the location of the proposed outdoor dining area or any other circumstances that the Commission deems to be relevant.

- (6) Restaurant management shall ensure that the patrons of the outdoor dining area do not disturb persons beyond the premises of the restaurant through loud, boisterous or unreasonable noise, offensive words or disruptive behavior. Patrons must be seated at tables. Bar service, whether patrons are standing or seated at stools, is not permitted. The service of alcoholic beverages must be adjunct to the service of food.
- (7) Outdoor dining activities shall be prohibited between the hours of 12:00 a.m. and 7:00 a.m.
- (8) Animals shall not be permitted within outdoor dining areas, except for service animals.
- (9) Lighting shall be limited to that level which is necessary to illuminate the outdoor dining area for patrons and staff. Flashing/blinking lights shall be prohibited.

C. Maintenance.

- (1) During the season when the outdoor dining area is in operation, it shall be kept clear of litter, food scraps or soiled dishes and utensils at all times. The entire floor/sidewalk surface in and around the outdoor dining area shall be swept as necessary, but not less frequently than daily, and cleaned to remove greases, oils and stains by steam cleaning or a similar process on a monthly basis. Spilled materials shall be cleaned promptly. Sweeping debris or spilled materials into the gutters of public streets shall be prohibited. This requirement shall also apply to any areas beyond the outdoor dining area which are traversed by restaurant staff and/or patrons.
- (2) Trash receptacles shall be emptied whenever full and shall be emptied at the end of each business day.
- (3) Umbrellas may be used to shade tables, provided that the drip edge thereof is located at least seven feet above the ground and further provided that they shall not be used to advertise the restaurant or any other product or service.
- (4) Tables, chairs and umbrellas shall be of durable commercial-grade materials, sufficiently weighted to avoid displacement by wind.

- (5) Where outdoor dining areas abut the public street, all furniture, fencing, shrubbery and other fixtures associated with outdoor dining areas shall be removed and stored indoors during months when the outdoor dining area is not in use. No permanent structures shall be permitted to remain between the building that houses the restaurant and the abutting street except retractable awnings located at least seven feet above the ground. In all other locations, a storage plan for all furniture, fencing, shrubbery and other fixtures associated with the outdoor dining area shall be submitted for review and approval by the Plan and Zoning Commission.

(Van Winkle)

2/10/15

Approved as to form and legality:

Joseph A. O'Brien, corporation Counsel